

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

**Clyde Leroy McBride, # 95485**

Plaintiff,

v.

**Investigator Walter McDaniels,**

Defendant.

**C/A No. 9:06-2153-CMC-GCK**

**OPINION AND ORDER**

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 claiming that Defendant McDaniels, a law enforcement officer, provided false testimony in order to obtain a warrant for Plaintiff's arrest. Plaintiff claims Defendant violated his Constitutional rights and seeks damages from Defendant in the amount of \$500,000.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, the Complaint filed by Plaintiff, who is proceeding *pro se*, was referred to United States Magistrate George C. Kosko, who issued a Report and Recommendation on September 6, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Based on his review of the record, the Magistrate Judge has recommended that the Complaint be dismissed without prejudice and without issuance or service of process. The court advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. No objections have been filed and the time for doing so has expired.

After reviewing the Complaint and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

**IT IS HEREBY ORDERED** that this action is **DISMISSED *without prejudice and without issuance or service of process.***

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 4, 2006

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